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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 VICTOR SANCHEZ SEPULVEDA ,  
15 Defendant.  
16

CASE NO. 1:02-CR-05408-AWI

ORDER DENYING DEFENDANT’S MOTION TO  
REDUCE SENTENCE PURSUANT TO TITLE 18  
U.S.C. § 3582(c)(2)

17 The defendant has filed a second motion under 18 U.S.C. § 3582(c)(2), seeking a reduction in his  
18 sentence on the basis of Amendment 782 to the Sentencing Guidelines which revises the Drug Quantity  
19 Table in USSG § 2D1.1 and reduces by two levels the offense level applicable to many drug trafficking  
20 offenses. The Court denied the defendant’s first motion because Amendment 782 does not operate to  
21 lower the guideline range for the quantity of pseudoephedrine (converted to methamphetamine  
22 equivalency) attributed to defendant. Doc. 420. The defendant reiterates the same arguments previously  
23 made and asks the Court to exercise discretion to reduce his sentence. Doc. 425.

24 As was the case when the defendant filed his previous motion, the Court cannot grant the  
25 defendant’s motion to reduce sentence. A district court’s authority to modify a sentence is constrained  
26 by the Sentencing Commission. *Dillon v. United States*, 560 U.S. 817, 825-826 (2010). The Sentencing  
27 Guidelines make clear that “[a] reduction in the defendant’s term of imprisonment is not consistent with  
28 this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if . . . an amendment

1 listed in subsection (c) does not have the effect of lowering the defendant's applicable guideline range."  
2 U.S.S.G. § 1B1.10 (a)(2)(B). Where application of the pertinent amendment does not result in a different  
3 sentencing range, no reduction of sentence may occur. *United States v. Leniear*, 574 F.3d 668, 673-74  
4 (9th Cir. 2009). Amendment 782 has no impact on calculation of the defendant's guideline range.

5 Based on the foregoing, IT IS HEREBY ORDERED that the defendant's motion is DENIED.

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7 IT IS SO ORDERED.

8 Dated: April 19, 2018

  
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SENIOR DISTRICT JUDGE